

Revised Wording for Fact in Support of Finding D, Fact number D-6:

- D-6. The design and construction materials of the outdoor dining patio (existing glass walls) aid to minimize noise from emanating from this area, but are not adequately effective in controlling noise as evidenced by noise complaints received by the Police Department and the correspondence received in Attachment PC 10. As conditioned, the limited hours of use of the outdoor dining area to 11:00 p.m. is appropriate in this case to alleviate noise related issues and complaints that cannot be otherwise mitigated. Additionally, conditions of approval require the doors exiting the building to the outdoor dining area to remain closed from 7:00 p.m. to 8:00 a.m. and whenever live entertainment or dancing is performed inside the building, except in the case when persons are entering and exiting the building. Staff recommends that the outdoor dining area is to be closed to patrons at 11:00 p.m., daily, since no physical barriers have been proposed to aid in further mitigating noise levels that are anticipated to rise if occupancy is increased, as proposed by the applicant.